

## SECTION 401 WATER QUALITY CERTIFICATION

August 10, 2009

Permittee: Town of Fairfield  
Sullivan Independence Hall  
725 Old Post Road  
Fairfield, CT 06824

Attn: Richard White

Permit No.: WQC-200900577  
Permit Type: Section 401 Water Quality Certificate  
USACOE No.: NAE-2008-1582  
Town: Fairfield, CT  
Project: Replacement of Mill Plain Road bridges (bridge no. 04204 and bridge no. 04205) over the Mill River

Pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341) Water Quality Certification is hereby issued to the Town of Fairfield (the federal permittee) for activities, including but not limited to the construction or operation of facilities, which may result in any discharge into the waters of the state associated with proposed replacement of two bridges crossing the Mill River with a single structure that has two equal spans separated by a pier which will be located on an island in the river located approximately 350 feet south of the intersection of Burr Street, Brookside Drive and Mill Plain Road. in accordance with the application referenced above and filed with this Department on February 26, 2009 and described herein.

### AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to construct and operate the removal of bridge no 04204 and bridge no. 04205 crossing the Mill River on Mill Plain Road and replacement of these bridges with a single structure with two equal spans separated by a pier which will be placed on an inland in within the Mill River in accordance with said application and plans which are a part thereof entitled: "**Replacement of the Mill Plain Road Bridges over Mill River in the Town**

of Fairfield", dated **February 25, 2009**, revised through **June 25, 2009** scale **1"=20'** , prepared by **Stantec Consulting Services, Inc.** (the "site"). **0.05 acres of wetland/watercourse** will be affected by the discharge(s).

Said discharge(s) will comply with the applicable provisions of Section 301, 302, 303, 306 and 307 of said Act and will not violate Connecticut's Water Quality Standards.

This authorization is subject to the following conditions:

### **SPECIAL CONDITIONS**

1. No instream construction activities shall occur during the time period of April 1 through June 30 to protect existing runs of anadromous fish species, and
2. Unconfined instream activity shall be restricted to a time period of July 1 through September 30 to protect resident fish species.
3. The hydraulic model published by the Federal Emergency Management Agency (FEMA) shows significant differences than current conditions. In accordance with the National Flood Insurance Program the chief elected official must update the Flood Insurance Rate Map by obtaining a Letter of Map Revision (LOMR) from FEMA. The Letter of Map Revision granted by FEMA must be filed with this office within one year of the completion of DOT Project No. 50-212.

### **GENERAL TERMS AND CONDITIONS**

1. **Rights.** This certificate is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby. This certification does not comprise the permits or approvals as may be required by Chapters 440, 446i, 446j and 446k of the Connecticut General Statutes.
2. **Expiration of Certificate.** This certificate shall expire upon the expiration of the U.S. Army Corps of Engineers (USACOE) Section 404 permit for the same activity.
3. **Compliance with Certificate.** All work and all activities authorized herein

conducted by the permittee at the site shall be consistent with the terms and conditions of this certificate. Any regulated activities carried out at the site, including but not limited to, construction of any structure, excavation, fill, obstruction, or encroachment, that are not specifically identified and authorized herein shall constitute a violation of this certificate and may result in its modification, suspension, or revocation. In carrying out the certified discharge(s) authorized herein, the permittee shall not store equipment or construction material, or discharge any material including without limitation, fill, construction materials or debris in any wetland or watercourse on or off site unless specifically authorized by this certificate. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this certificate.

4. **Transfer of Certificate.** This authorization is not transferable without the written consent of the Commissioner.
5. **Reliance on Application.** In evaluating the permittee's application, the Commissioner has relied on information provided by the permittee. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, this certificate may be modified, suspended or revoked.
6. **Best Management Practices.** In constructing or maintaining the activities authorized herein, the permittee shall employ best management practices, consistent with the terms and conditions of this certificate, to control storm water discharges and erosion and sedimentation and to prevent pollution. Such practices to be implemented by the permittee at the site include, but are not necessarily limited to:
  - a. Prohibiting dumping of any quantity of oil, chemicals or other deleterious material on the ground;
  - b. Immediately informing the Commissioner's Oil and Chemical Spill Response Division at (860) 424-3338 (24 hours) of any adverse impact or hazard to the environment, including any discharges, spillage, or loss of oil or petroleum or chemical liquids or solids, which occurs or is likely to occur as the direct or indirect result of the activities authorized herein;
  - c. Separating staging areas at the site from the regulated areas by silt fences or straw/hay bales at all times;
  - d. Prohibiting storage of any fuel and refueling of equipment within twenty-five (25) feet from any wetland or watercourse;

- e. Preventing pollution of wetlands and watercourses in accordance with the document "Connecticut Guidelines for Soil Erosion and Sediment Control" as revised. Said controls shall be inspected by the permittee for deficiencies at least once per week and immediately after each rainfall and at least daily during prolonged rainfall. The permittee shall correct any such deficiencies within 48 hours of said deficiencies being found;
- f. Stabilizing disturbed soils in a timely fashion to minimize erosion. If a grading operation at the site will be suspended for a period of thirty (30) or more consecutive days, the permittee shall, within the first seven (7) days of that suspension period, accomplish seeding and mulching or take such other appropriate measures to stabilize the soil involved in such grading operation. Within seven (7) days after establishing final grade in any grading operation at the site the permittee shall seed and mulch the soil involved in such grading operation or take such other appropriate measures to stabilize such soil until seeding and mulching can be accomplished.
- g. Prohibiting the storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five hundred (500) year flood. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
- h. Immediately informing the Commissioner's Inland Water Resources Division at (860) 424-3019 and the U.S. Army Corps of Engineers' Permit Compliance Section at (617) 647-8674, of the occurrence of pollution or other environmental damage resulting from construction or maintenance of the authorized activity or any construction associated therewith in violation of this certificate. The permittee shall, no later than 48 hours after the permittee learns of a violation of this certificate, report same in writing to the Commissioner. Such report shall contain the following information:
  - (i) the provision(s) of this certificate that has been violated;
  - (ii) the date and time the violation(s) was first observed and by whom;

- (iii) the cause of the violation(s), if known
- (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
- (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (vi) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (vii) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 7 of this certificate.

For information and technical assistance, contact the Inland Water Resources Division at (860) 424-3019.

7. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this certificate shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of the permittee, or a duly authorized representative of the permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense in accordance with Section 22a-6 under Section 53a-157 of the Connecticut General Statutes."

8. **Submission of Documents.** The date of submission to the Commissioner of any document required by this certificate shall be the date such document is received by the Commissioner. Except as otherwise specified in this certificate, the word "day" as used in this certificate means the calendar day. Any document or action which falls on a Saturday, Sunday, or legal holiday shall be submitted or performed by the next business day thereafter.

Any document or notice required to be submitted to the Commissioner under this certificate shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director  
Department of Environmental Protection  
Bureau of Water Protection and Land Reuse  
Inland Water Resources Division  
79 Elm Street, Third Floor  
Hartford, Connecticut 06106-5127

Issued by the Commissioner of Environmental Protection on

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Amy Marrella  
Acting Commissioner